IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 447 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ASPAK AHMED MAHMAD NASIR SHAIKH

Versus

STATE OF GUJARAT

Appearance:

MR JM BUDDHBHATTI for Petitioners

MR KP RAVAL, APP for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/04/2000

ORAL JUDGEMENT

1. This is a revision application at the instance of two accused-convicts, challenging the jdugement and order of the Sessions Court confirming the conviction and sentence passed by the learned JMFC, Ahmedabad.

2. The two accused were convicted under section 379 read with section 114 of IPC and each was sentenced to

undergo simple imprisonment for three years and a fine of Rs.2000, in default simple imprisonment for two months.

3. The two convicts in the present revision have preferred this application through jail and are represented by Mr.Buddhbatti, advocate appointed by the Court on their behalf.

4. I have heard the learned counsel for the petitioners and learned counsel for the respondent State. As a result of the hearing and discussion, and on a perusal of the evidentiary material on record, it appears on the facts of the case that the maximum sentence awarded is not justified. On the facts and circumstances of the case it appears that the interests of justice would be served if the sentence awarded to the two accused petitioners is reduced for each of them to simple imprisonment for one year and six months and a fine of Rs.2000/-, in default simple imprisonment for two months. It is accordingly so directed. This application is accordingly disposed of. Rule is made absolute to the aforesaid extent.

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